
SENATE BILL No. 83

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-3-3.

Synopsis: Resisting law enforcement. Imposes a nonsuspendible mandatory minimum sentence for a person who commits resisting law enforcement and: (1) draws or uses a deadly weapon, inflicts bodily injury on or causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person; (2) operates a vehicle in a manner that causes serious bodily injury to another person; or (3) operates a motor vehicle in a manner that causes the death of another person.

Effective: July 1, 2006.

Lubbers

January 9, 2006, read first time and referred to Committee on Judiciary.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 83

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person who
3 knowingly or intentionally:

4 (1) forcibly resists, obstructs, or interferes with a law enforcement
5 officer or a person assisting the officer while the officer is
6 lawfully engaged in the execution of ~~his~~ **the officer's** duties; ~~as an~~
7 ~~officer~~;

8 (2) forcibly resists, obstructs, or interferes with the authorized
9 service or execution of a civil or criminal process or order of a
10 court; or

11 (3) flees from a law enforcement officer after the officer has, by
12 visible or audible means, **including operation of the law**
13 **enforcement officer's siren or emergency lights**, identified
14 himself **or herself** and ordered the person to stop;
15 commits resisting law enforcement, a Class A misdemeanor, except as
16 provided in subsection (b).

17 (b) The offense under subsection (a) is a:



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(1) Class D felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on **or otherwise causes bodily injury to** another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Class C felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person; and

(3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person.

(c) For purposes of this section, a law enforcement officer includes an ~~alcoholic beverage~~ enforcement officer **of the alcohol and tobacco commission** and a conservation officer of the department of natural resources.

(d) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), or (b)(3), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) sixty (60) days, if the person has one (1) prior unrelated conviction under this section;

(3) one hundred eighty (180) days, if the person has two (2) prior unrelated convictions under this section; or

(4) one (1) year, if the person has three (3) or more prior unrelated convictions under this section.

(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended.

SECTION 2. [EFFECTIVE JULY 1, 2006] IC 35-44-3-3, as amended by this act, applies only to acts committed after June 30, 2006.

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